REMARKS

In response to the non-final Official Action of May 4, 2009, independent claims 1 and 11 have been amended in a manner which is believed to particularly point out and distinctly claim the invention in view of the cited art.

Preliminarily, applicant notes at section 1 of the Action, that in view of an Order Returning the Undocketed Appeal to the Office filed by the Board of Patent Appeals and Interferences on February 4, 2009, the Office reopened prosecution of the application.

At section 7 of the Action, claims 1, 11, and 24 are rejected under 35 USC §103(a) as unpatentable in view of US patent 6,597,918, Kim, further in view of US patent 6,792,450, Wakatsuki, further in view of US patent 5,859,973, Carpenter, et al (hereinafter Carpenter).

At page 7 of the Action, the Office asserts that Kim discloses all of the subject matter for claim 1[1] except for the plurality of frames of a funny and of the sending terminal assembling the plurality of messages in a desired order according to inputs by a user.

At page 11, Wakatsuki is relied upon for allegedly teaching the use of a plurality of frames to be frames of a funny in a method and apparatus for use conveying a plurality of messages from a sending terminal for the purpose of displaying a frame of a comic strip (funny) on the display one by one in the order set.

At page 13, Carpenter is relied upon for allegedly teaching the use of the sending terminal assembling the plurality of messages in a desired order according to inputs by a user.

For the reasons set forth below, applicant respectfully disagrees with the assertion that claim 1 as amended is suggested by Kim in view of Wakatsuki further in view of Carpenter.

In this regard, applicant preliminarily notes that in the Response to Arguments section 11, the Office states at page 28 that applicant's arguments on page 14 of its response filed on January 11, 2006, relates to telephonic communication with regard to Wakatsuki, but that this feature is not recited in the rejected claims. Claim 1 has been amended in order to shorten its preamble and in so doing, it is particularly pointed out in

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[1] Presumably for independent claims 1, 11, and 24.

the body of the claims that the sending terminal sends all of the messages to a receiving terminal over a telecommunications system that is at least part of a wireless communications network. Such a wireless communication network is clearly supported by the original application as filed, including original claim 1, as well as in the specification as originally file, including Figure 4 and in the specification at page 11, lines 7-11.

Similar amendment has been made to independent apparatus claim 11 and independent system claim 24 already recites this feature.

The present invention as claimed in amended claim 1 is directed to a method which comprises a number of actions which are directed to assembling a plurality of messages in a desired order from a sending terminal to a receiving terminal wherein the plurality of messages conveys a plurality of frames of a funny so that each frame is conveyed by one or more of the messages and wherein each frame is logically related to at least one other of the frames.

As explained in the application at page 3, lines 7-14, the invention is in response to a need for a way to be able to send a series of pictures (called frames in the application) that in combination make up what is here called a funny. A way is presented that allows the user to send the entire funny as a plurality of messages.

It is recited in amended claim 1 that the plurality of messages conveys a plurality of frames of a funny so that each frame is conveyed by one or more of the messages and each frame is logically related to at least one other of the frame (specification, page 6, lines 10-12 explain a "funny" to be a series of pictures and associated text that in combination and in a particular order make up a message).

In using the invention, a user first creates a funny. The composing of a funny thus can include an ordering of frames of a funny by the terminal, in response to inputs by the user creating the funny, an ordering that may or may not be distinct and separate from the process of creating the frames of a funny; instead, the ordering may be performed at the same time and in conjunction with creating the frames of a funny. Thus, and as recited in claim 1, the sending terminal assembles the plurality of messages conveying the frames of a funny in a desired order according to inputs by a user, i.e. the terminal uses signals indicating the desired order, as opposed to determining the order without input signals indicating the ordering.

Next, according to claim 1, the sending terminal indicates in each message the order of the message in the desired order, i.e. the sending terminal uses the ordering provided in the assembling action--i.e. the desired order--to modify each message by adding to it a number indicating its position in the desired order.

Thus, according to claim 1, the action of "assembling" (in a desired order according to inputs by a user) is prefatory to (i.e. preliminary to) the action of "indicating" (the desired order), because the "indicating" action uses as an input "the desired order" which is provided by the "assembling" action.

Next, according to claim 1, the sending terminal sends all of the messages to the receiving terminal over a telecommunications system that is at least in part a wireless communications network in response to an input by the user.

Argument

Claim 1 as amended is thus a method which comprises the above-mentioned actions; namely, a) a sending terminal assembling a plurality of messages in the desired order according to inputs by a user; b) the sending terminal indicating in each message the order of the message in the desired order; c) the sending terminal sending all of the messages to a receiving terminal over a telecommunications system that is at least in part a wireless communications network in response to an input by the user; wherein the plurality of messages conveys a plurality of frames of a funny, so that each frame is conveyed by one or more of the messages, and wherein each frame is logically related to at least one other of the frames.

In rejecting claim 1, the Office asserts that Kim discloses all subject matter except for "the plurality of frames to be frames of a funny," and relies on Wakatsuki for same, and also except for "the sending terminal assembling the plurality of messages in a desired order according to inputs by a user," and relies on Carpenter for same.

So for purposes of the argument here, since Wakatsuki is relied on by the Office action only for disclosing "the plurality of frames to be frames of a funny," *the Office action must be said to assert* that: Carpenter discloses a sending terminal assembling in a desired order according to inputs by a user a plurality of messages conveying a plurality of logically related frames with each frame conveyed by one or more of the messages, i.e. action (a), with the limitation that the messages convey logically related

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frames incorporated into it, but not the limitation that the frames are frames of a funny; Kim discloses a sending terminal indicating in each message of a plurality of messages the order of the message in a desired order as indicated by a user, wherein the plurality of messages conveys a plurality of logically related frames with each frame conveyed by one or more of the messages, i.e. action (b); and Kim also teaches a sending terminal sending all of a plurality of messages to a receiving terminal over a telecommunications system that is at least in part a wireless communications network in response to an input by the user, wherein the plurality of messages conveys a plurality of logically related frames with each frame conveyed by one or more of the messages, i.e. action (c).

Thus, the Office asserts that Kim discloses action (b), which uses the output of action (a) as a starting point, but does not disclose action (a). Action (a) provides a plurality of messages conveying a plurality of logically related frames in a desired order according to inputs by a user, and action (b) indicates in each message the order of the message in the desired order.

Kim teaches breaking up a single long message (longer than allowed in a single SMS frame) into component messages and indicating in each its ordering, sending the long message as a sequence of messages, and then reassembling the long message at the receiving end out of the component messages, using the order indicated in each provided during the breaking up process. (Kim, Abstract.)

In asserting that Kim discloses action (b), the Office relies on the disclosure in Kim of breaking up a long message into components and indicating in each component its order.

Applicant respectfully submits that Kim does not in fact teach or suggest action (b): the sending terminal indicating in each message in the plurality of messages assembled according to inputs by a user, the order of the message in the desired order. Action (b) uses the output of action (a), which the Office concedes is not disclosed by Kim, and so it cannot be said that Kim teaches action (b). More specifically, Kim discloses a sending terminal indicating in each component of a long message where the components are a result of an automatic breaking up a long message into the components (smaller-sized chunks) so that the long message can be sent according to a protocol that will not accept the long message, but will accept the smaller-sized

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chunks. In contrast, the input to action (b) is a plurality of messages conveying logically related frames assembled in a desired order according to inputs by a user. Applicant respectfully submits it is improper to assert that Kim , which orders altogether different kinds of objects than are ordered in action (b), actually discloses action (b). Applicant respectfully submits that even on at least this ground, the rejection cannot stand.

Similarly, applicant respectfully submits that Kim does not in fact teach or suggest action (c): the sending terminal sending to a receiving terminal over a telecommunications system that is at least in part a wireless communications network in response to inputs by a user, all of a plurality of messages conveying a plurality of logically related frames. Kim discloses merely sending all of the components/chunks of a long message to a receiving terminal (where they are then reassembled into the long message). The method disclosed by Kim is relevant to the sending of any one frame recited in claim 1, but not to the plurality of logically related frames. In other words, although Kim could fairly be said to teach sending to a receiving terminal the one or more messages that convey a frame, Kim cannot also be said to disclose sending to a receiving terminal a plurality of logically related frames, as recited in claim 1. Therefore, applicant respectfully submits the rejection cannot stand.

Now as noted above, the Office concedes that Kim fails to disclose action (a), the sending terminal assembling a plurality of messages in a desired order according to inputs by a user, wherein the plurality of messages conveys a plurality of logically related frames (final Office Action, page 9) and relies on Carpenter for this feature (final Office Action, page 13). Applicant respectfully points out that Carpenter at the cited column 7, lines 10-25 merely discloses transmitting messages according to their order in a queue, and that a user can reorder/reprioritize the queue. The cited text is:

> If the communications link is already established when a user input
> requests that information stored in memory 80 be transmitted from
> the portable data processor to the host data processor, the object
> can either be directly generated, encoded and transmitted, or a
> reference to the object can be included as an entry in the
> transmission request queue. While either method of transmitting
> messages can be performed with the present invention, the latter
> approach is more preferred as it ensures that the messages are

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transmitted in the order that they were requested by the user. However, as will be appreciated by those of skill in the art, entries in the transmission request queue may be prioritized and reordered based upon user input, the types of message to be sent, or any other criteria suitable to a messaging application of the portable data processor. [Emphasis added.]

The messages are not anywhere (at the cited location or elsewhere) indicated as messages conveying logically related frames, as in action (a). In fact, at col. 6, ll. 35-53, Carpenter explains:

A preferred embodiment of the present invention is illustrated in FIG. 4. As seen in FIG. 4, various information 110, 112, 114, 116, 118 and 120 such as application programs, objects, data files or the like is stored in the memory 130 of a portable data processor. Also resident in memory 130 is a transmission request queue 132 of variable size. As before, when a user input requests that information stored in memory 80 be transmitted from the portable data processor to the host data processor 42, the communications link 44 to the host processor may or may not be connected. If a connection is not established, a reference that identifies the information to be transmitted is generated and stored as an entry in the transmission request queue 132. By way of example, FIG. 4 illustrates three such message requests 122, 124 and 126, which request transmission of Objects A 110, B 112 and C 114 to the host data processor. In response to these requests, entries 142, 144 and 146 corresponding to Objects A 110, B 112 and C 114 are generated and stored in the transmission request queue 132. [Emphasis added.]

Thus, the message requests of the queue are requests to send what is apparently unrelated information, such as a data file on the one hand, and an application program on the other hand. There is simply no teaching or suggestion by Carpenter of "assembling" in a desired order a plurality of messages conveying a plurality of logically related frames. Carpenter merely teaches ordering requests in a

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queue to send indicated messages, messages not anywhere disclosed as logically related. Therefore, applicant respectfully submits the rejection cannot stand.

Further, in relying on Carpenter, the Office is asserting that it would have been obvious to one of ordinary skill in the art at the time of the invention, to alter the teachings of Kim according to the teachings of Carpenter. But Kim teaches breaking up a long message into chunks, sending the chunks to a receiver, and the receiver then reconstructing the long message from the chunks. Applicant respectfully submits that there is no motivation to change any of the teachings of Kim per the teachings of Carpenter in respect to ordering message requests in a queue. Any reordering by a user of any requests in a queue of Kim after the automatic correct ordering would cause the components of the long message to be reassembled incorrectly, because any reordering would be different than the correct automatic ordering. And any original manual ordering would be a waste of time, when the ordering could be done automatically, as taught by Kim. Thus, one of ordinary skill would not want to change the teaching of Kim per the teaching of Carpenter. Therefore, applicant respectfully submits the rejection cannot stand.

Further, as noted, the Office concedes that Kim fails to disclose sending frames of a funny, and so relies on Wakatsuki (final Office Action, page 9). Applicant respectfully submits that at the cited locations in Wakatsuki (figures 7a-7c) what is disclosed is merely displaying on a communication terminal apparatus in "electronic comic mode" a plurality of still pictures downloaded from an electronic comic server (sometimes called a "center"). Wakatsuki nowhere discloses frames of a funny in connection with any of the limitations recited in claim 1, not the assembling of frames in an order, nor the indicating of the order, nor the sending of all the frames in response to an input by a user. Further still, Wakatsuki actually teaches away from the invention, where it discloses (col. 4, ll. 48-50) that:

> The communication terminal apparatus 10 prepares operation
> modes of the download mode [for getting a funny from the server]
> and the electronic comic mode [for viewing a funny] as other
> modes than this telephone mode.

So Wakatsuki teaches that the viewing of what the application calls a funny is not for telephonic communication.

In this regard, claim 1 has been amended to particularly point out and claim that the sending terminal sends all of the messages to a receiving terminal over a telecommunications system that is at least part of a wireless communications network thus making clear the distinction with regard to Wakatsuki.

Applicant therefore respectfully submits that there is no proper ground for asserting that it would have been obvious to use the method of Kim to transmit a plurality of frames of a funny, instead of a single long message.

Since Wakatsuki nowhere discloses a funny in connection with any of the limitations recited in claim 1, applicant respectfully submits that Wakatsuki is merely evidence that the prior art includes a funny. But applicant is not claiming to have invented a funny, as that term is used in the application and also as in Wakatsuki; applicant claims to have invented a method by which a funny is transmitted as possibly several messages from a sending telecommunications terminal to another (receiving) telecommunications terminal, a method that works because it includes actions of assembling messages conveying the frames of a funny (by assembling the frames themselves) according to a desired order provided by inputs (from a user), indicating in each message its order, and then communicating the entire funny (i.e. all of the messages) over a telecommunications system that is at least in part a wireless communications network in response to an input by the user indicating that the entire funny be communicated, as opposed to the user having to repeat the input for each frame.

It is therefore respectfully submitted that amended claim 1 is distinguished over Kim in view of Wakatsuki further in view of Carpenter.

Independent apparatus claim 11 has been amended in a manner similar to claim 1 and for similar reasons as those presented above, independent apparatus claim 11 is also believed to be distinguished over Kim in view of Wakatsuki further in view of Carpenter.

Independent system claim 24 is also believed to be distinguished over Kim in view of Wakatsuki further in view of Carpenter since it (as previously presented) specifically points out that the conveying to a receiving terminal is via a wireless communications network thus further distinguishing the invention in view of the comments presented above regarding Wakatsuki.

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At section 8, dependent claims 2, 4-8, 12-18, and 21-23 are rejected under 35 USC §103(a) as unpatentable over Kim in view of Wakatsuki and Carpenter, further in view of US patent 6,567,983, Shiimori. Each of these dependent claims depends from an independent claim which is believed to be allowable and therefore each of these independent claims is similarly believed to be allowable at least in view of such dependency.

Information Disclosure Statement

Applicant notes at section 12, that the Office considers the Information Disclosure Statement filed on September 2, 2008 as failing to comply with 37 CFR 1.98(a)(2) in that a legible copy of each cited foreign patent document has not been provided.

Applicant respectfully notes that a copy of the cited foreign reference (JP 2000-253170) was submitted to the USPTO as part of the IDS on September 2, 2008. As can be seen from the USPTO PAIR system, the Japanese reference together with an English abstract, is attached immediately following the Japanese Office Action and translation also submitted with the IDS. A copy of the documents as downloaded from the USPTO PAIR system is attached which evidences submission of the Japanese publication referred to in the PTO-1449 submitted with the IDS of September 2, 2008. Consideration of the reference cited in the IDS is therefore earnestly solicited.
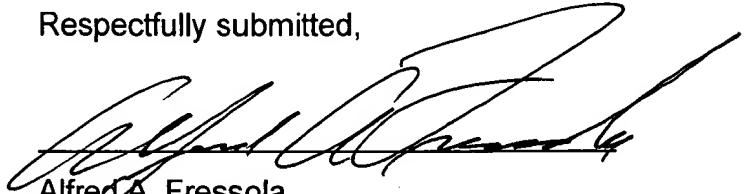
Applicant is submitting Replacement Sheets for Figures 4 and 5 in order to correct typographical errors. No new matter is added.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

Dated: <u>August 4, 2009</u>

Alfred A. Fressola
Attorney for Applicant
Registration No. 27,550

WARE, FRESSOLA, VAN DER SLUYS
   & ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955

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